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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 01 2005

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TIM VINING REAL ESTATE
APPRAISER AND CONSULTANTS,
INC., a Washington corporation,

Plaintiff,

vs.

CLARK JENNINGS & ASSOCIATES,
INC., a Washington corporation; STEVE
WEBER, and his marital community;
HENRY JOHNSON, and his marital
community; SCOTT ANDERSON, and
his marital community; and JIM
O'CONNOR, and his marital community,

Defendants.

NO. CV-04-3110-RHW

STIPULATED PROTECTIVE
ORDER

STIPULATION

Plaintiff, TIM VINING REAL ESTATE APPRAISER AND CONSULTANTS, INC.,
and Defendants, CLARK JENNINGS & ASSOCIATES, INC., STEVE WEBER, HENRY
JOHNSON, SCOTT ANDERSON, and JIM O'CONNOR, agree that it would serve their
respective interests to conduct discovery of Defendants' business and financial information

STIPULATED PROTECTIVE ORDER

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Attorneys At Law
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1 under a Protective Order, in order to avoid disputes during the discovery process. The
 2 parties stipulate as follows:

3 1. The term "business and financial records" shall mean the following documents
 4 produced by Defendants in response to interrogatories, requests for production, and initial
 5 disclosures:

6 **Clark Jennings & Associates, Inc.**

- 7 (a) Clark Jennings & Associates, Inc., Profit & Loss by Class, December
 8 2000 through November 2001
- 9 (b) Clark Jennings & Associates, Inc., Profit & Loss by Class, December
 10 2001 through November 2002
- 11 (c) Clark Jennings & Associates, Inc., Profit & Loss by Class, December
 12 2002 through November 2003
- 13 (d) Clark Jennings & Associates, Inc., Financial Statements and
 14 Accountants' Review Report, November 30, 2001 and 2000
- 15 (e) Clark Jennings & Associates, Inc., Financial Statements and
 16 Accountants' Review Report, November 30, 2002 and 2001
- 17 (f) Clark Jennings & Associates, Inc., Financial Statements, November 30,
 18 2003 and 2002
- 19 (g) Clark Jennings & Associates, Inc., Financial Statements, November 30,
 20 2004 and 2003
- 21 (h) 2000 Form 1120, U.S. Corporation Income Tax Return, for Clark
 22 Jennings & Associates, Inc., with attached schedules
- 23 (i) 2001 Form 1120, U.S. Corporation Income Tax Return, for Clark
 24 Jennings & Associates, Inc., with attached schedules
- 25 (j) 2002 Form 1120, U.S. Corporation Income Tax Return, for Clark
 26 Jennings & Associates, Inc., with attached schedules
- 27 (k) 2002 Form 1120X, Amended U.S. Corporation Income Tax Return, for
 28 Clark Jennings & Associates, Inc., with attached schedules

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- (l) Clark Jennings & Associates, Inc., Real Estate Sales Division, Monthly Reports, 12/31/01 through 04/30/03
- (m) Commission split calculation spreadsheets for Clark Jennings & Associates, Inc., 01/22/02 through 02/21/03
- (n) Clark Jennings & Associates, Inc., Profit & Loss, December 2001 through November 2002
- (o) Clark Jennings & Associates, Inc., Profit & Loss, December 2002 through November 2003
- (p) Clark Jennings & Associates, Inc., Vendor QuickReports for Steve Weber and R. Henry Johnson
- (q) Clark Jennings & Associates, Inc., Transaction Journal, October 2, 2003
- (r) CJA Earnings on AB Hop Transactions, 05/02/05
- (s) QuickBooks accounting system CD for Clark Jennings & Associates, Inc.

Jim O'Connor

- (t) 2002 U. S. Return of Partnership Income for Columbia Investments 2000, LLC, with attached schedules.
- (u) 2003 U. S. Return of Partnership Income for Columbia Investments 2000, LLC, with attached schedules.
- (v) 2004 Form 1099-MISC to Columbia Investments 2000, LLC, from Clark Jennings & Associates, Inc.
- (w) Estimated 2004 Form 1065 Overflow Statement for Columbia Investments 2000, LLC

Scott Anderson

- (x) Tax return for Scott Anderson for the year 2002, subject to Stipulated Protective Order

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1 It is agreed by the parties that the business and financial records are properly designated as
2 confidential.

3 2. Information designated as confidential may be used in depositions, without the
4 necessity of sealing the documents first, and may be shown to persons at the depositions,
5 provided there is a need to do so.

6 3. The parties agree that in the event that any of the materials described in this
7 Stipulated Protective Order are filed with the Court as an exhibit to a pleading, the parties
8 shall request that the Court seal the exhibit.

9 4. If this action proceeds to trial, the degree to which discovery materials produced
10 pursuant to this Stipulated Protective Order remain confidential, and the manner in which
11 the materials will be used at trial will be determined by the agreement of the parties or order
12 of the Court. Nothing contained in this Stipulated Protective Order affects in any way or to
13 any degree, the admissibility of any discovery material or any information disclosed under
14 the terms of this Stipulated Protective Order. The admissibility of such material and
15 information shall be governed by the Federal Rules of Evidence and Federal Rules of Civil
16 Procedure, in the same manner as any other potential evidence in the case.

17 5. Except as provided in this Stipulated Protective Order, discovery materials
18 designated as confidential and information disclosed in the materials shall be held strictly
19 in confidence and shall not be disclosed to anyone else by the parties or their attorneys.

20 6. Any copies or reproductions of discovery materials designated as confidential
21 for use in connection with this litigation, absent an order negating such designation, shall be
22 used only for that purpose.

23 7. Persons assisting counsel in preparation of this litigation, except as described
24 in Paragraph 8 below, including consulting and trial experts, may be provided access to the
25 information, but only upon showing them this Stipulated Protective Order, and advising them
26 that they are bound by its terms.

27 8. Notwithstanding the terms of this Stipulated Protective Order, the business and
28 financial records designated as confidential, identified in Paragraph 1 above, shall not be

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1 disclosed to Tim Vining Real Estate Appraiser and Consultants, Inc., or Tim Vining. In
2 addition, the materials described in Paragraph 1 shall not be disclosed to or used in any
3 manner by any of counsel' s other clients, experts, or parties in any other action involving
4 Defendants.

5 9. Absent a Court order, any document designated as confidential under this
6 Stipulated Protective Order shall be held confidential by the parties and their attorneys and
7 shall not be disclosed to any other person or made use of for any other purpose, except as
8 necessary in the prosecution or defense of this action, or in any related administrative
9 proceeding, mediation, or arbitration involving the parties to this Stipulated Protective Order.
10 Confidential information under this Stipulated Protective Order may be disclosed to such
11 persons, only after they have been shown this Stipulated Protective Order, and they have
12 agreed to be bound by its terms.

13 10. The provisions of this Stipulated Protective Order shall not terminate at the
14 conclusion of this action. Within 120 days after final conclusion of all aspects of this action,
15 stamped confidential documents, and all copies of the same, shall be returned to the party or
16 person that produced the documents, or at the option of the producer, destroyed. All counsel
17 of record shall make certification of compliance herewith and shall deliver the same to
18 counsel for the party who produced the documents not more than 150 days after final
19 termination of this action.

20 11. Review of the confidential documents and information by counsel, experts, or
21 consultants for the parties in this action shall not waive the confidentiality of the documents
22 or objections to production. The inadvertent and unintentional disclosure of confidential
23 documents and information shall not, under any circumstances, be deemed a waiver, in
24 whole or in part, of any party' s claims of confidentiality.

25 12. Nothing contained in this Stipulated Protective Order and no action taken
26 pursuant to it shall prejudice the right of any party to contest the alleged relevancy,
27 admissibility or discoverability of the confidential documents and information sought.
28

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1 DATED this 16th day of May, 2005.

2 s/ Gary R. Luloff, WSBA #20287
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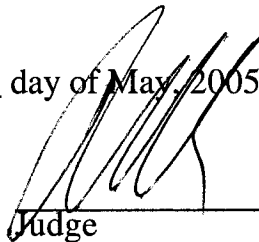
s/ Patrick H. Ballew, WSBA #16939
s/ Quinten S. Bowman, WSBA #35064
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11 **ORDER**

12 IT IS SO ORDERED.

13 DONE IN OPEN COURT this 30 day of May, 2005.

14
15 
16 Judge

28 STIPULATED PROTECTIVE ORDER

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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